



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/500,260

06/15/2004

Paul Beardow

6257-32303

9345

35690

7590

08/18/2009

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

P.O. BOX 398

AUSTIN, TX 78767-0398

EXAMINER

AMIN, JWALANT B

ART UNIT

PAPER NUMBER

2628

NOTIFICATION DATE

DELIVERY MODE

08/18/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent\_docketing@intprop.com

ptomhkg@gmail.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,260	<b>Applicant(s)</b> BEARDOW, PAUL	
	<b>Examiner</b> JWALANT AMIN	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 139-147, 157-174 and 184-210 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 139-147, 157-174 and 184-210 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 139-191 have been considered but are moot in view of the new ground(s) of rejection.
2. Regarding claims 139-147, the applicant argues that Strandberg, Kakiyama and Haataja fails to teach "... the wireless communication device creating a text message that includes an image representative code sequence that is indicative of the selected set of part images,..." and "using the wireless communication device, sending the text message to a receiving device.., wherein the text message has a character limit, and is configured to be usable by the receiving device to display the selected set of part images... to assemble said animated image" (see pg. 20).
3. However, the examiner interprets that Mochizuki, in view of Rabb, and further in view of Cubbage teaches exactly the same. Please refer to the rejection of claims 139-147 below for details.
4. Regarding claims 157-165, the applicant argues that Strandberg, Kakiyama and Haataja fails to teach "a wireless communication device receiving a text message that includes an image representative code sequence, wherein the text message has a character limit..., using the image representative code sequence to determine..." and "assembling and displaying the animated image according to the determined set of part images ...." (see pg. 20).

Art Unit: 2628

5. However, the examiner interprets that Mochizuki, in view of Rabb, and further in view of Cubbage teaches exactly the same. Please refer to the rejection of claims 157-165 below for details.

6. Regarding claims 166-174, the applicant argues that Strandberg, Kakiyama and Haataja fails to teach "creating a text message conforming to a text messaging protocol that specifies a character limit [where] the text message includes an image representative code sequence that is indicative of the selected set of part images..." and where "the text message is usable by a mobile telephone to display the selected set of part images..., to assemble said animated image." (see pg. 21).

7. However, the examiner interprets that Mochizuki, in view of Rabb, and further in view of Cubbage teaches exactly the same. Please refer to the rejection of claims 166-174 below for details.

8. Regarding claims 184-191, the applicant argues that Strandberg, Kakiyama and Haataja fails to teach "receiving a text message that includes an image representative code sequence, wherein the text message has a character limit, and is usable by a mobile telephone to display information," "using the image representative code sequence to determine..." and "assembling and displaying the animated image according to the determined set of part images ...." (see pg. 21).

9. However, the examiner interprets that Mochizuki, in view of Rabb, and further in view of Cubbage teaches exactly the same. Please refer to the rejection of claims 184-191 below for details.

***Claim Objections***

10. Claim 193 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 193 claims the same subject matter "the mobile telephone" as independent claim 184, and therefore fails to further limit the subject matter.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 139-147, 166-174, 191-192 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 139 recites the limitation "the selected set of part images" in line 19. There is insufficient antecedent basis for this limitation in the claim.

14. Claims 140-147 are dependent on claim 139, and therefore the examiner gives the same reasons as stated above.

15. Claim 166 recites the limitation "the selected set of part images" in line 17. There is insufficient antecedent basis for this limitation in the claim.

16. Claims 167-174 are dependent on claim 166, and therefore the examiner gives the same reasons as stated above.

Art Unit: 2628

17. Claim 171 recites the limitation "the text elements" in line 2. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 191 recites the limitation "the wireless communication device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 192 is dependent on claim 191, and therefore the examiner gives the same reasons as stated above.

### ***Claim Rejections - 35 USC § 112***

20. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

21. Claims 209 and 210 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

22. Regarding claims 209 and 210, the limitation "computer-readable medium having stored thereon, computer-executable instructions" is not described in the original specification and therefore it is considered to be new matter. For the purpose of prior art rejection, these claims will be treated as system claims.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 139-147, 157-160, 163-169, 171-174, 184-187, 190-196 and 209-210 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki et al. (US 6044248, hereinafter Mochizuki), in view of Rabb, III (US 2002/0075284, hereinafter Rabb), and further in view of Cubbage et al. (US 6606486, hereinafter Cubbage).

25. Regarding claim 139, Mochizuki teaches a method of assembling an animated image (fig. 7), said method comprising:

a communication device (selective call receiver comprising a control processor) receiving input indicative of (fig. 7, col. 6 lines 57-col. 7 line 13):

a specified set of part images (the teacup-shaped pattern and the heart-shaped pattern are selected) from among a plurality of part images (figs. 4A and 4B display a plurality of part images) (fig. 7, fig. 8, fig. 10, col. 7 lines 38-45, col. 8 lines 55-67);

a specified position (the displaying area location L1 is occupied by the teacup-shaped image 02 and the heart-shaped image 01) to be occupied in the animated image for each part image in said set of part images (fig. 4C, fig. 8, fig. 10, col. 7 lines 38-67, col. 8 lines 55-67);

at least one specified animation property (image switching period is the animation property that switches between two images after a period of time) from a

Art Unit: 2628

number of available animation properties for at least one part image in said set of part images, each animation property being associated with a specified animation parameter value (the image switching period is to be selected value selected from three values (0 to 2), fig. 8, col. 7 lines 51-67);

the specified animation parameter value (value "1" is selected as shown in fig. 10, col. 8 lines 55-67) for the at least one animation property;

the communication device creating a text message (edited message S217, fig. 7) that includes an image representative code sequence having information indicative of the specified set of part images (1<sup>st</sup> GIC and 2<sup>nd</sup> GIC), the specified position (GIL), the specified at least one animation property (the specified animation property is image switching period), and the specified animation parameter value (SW=1) for the at least one animation Property (image switching period); wherein the text message is configured (analyzing a message) by the receiving device (col. 1 line 64-col. 2 line 10, col. 5 line 48-col. 6 line 6) to display the specified set of part images according to the specified position, the specified at least one animation property, and the specified animation parameter value for the at least one animation property to assemble (synthetic image consisting of two or more images) said animated image (col. 1 lines 55-63); and

the communication device sending (selective call receiver having a transmission function transmits the edited message, fig. 7) the text message to a receiving device (selective call receiving having a receiving function) (col. 1 lines 55-63, col. 3 lines 44-50, col. 7 lines 13-28).



Although Mochizuki teaches the limitations as stated, Mochizuki does not explicitly teach to receive input indicative of at least one specified animation property from a number of available animation properties for at least one part image in said set of part images. However, Rabb teaches exactly the same ([0103]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use other animation properties such as visibility, size and color as taught by Rabb along with the image switching period animation property of Mochizuki because such animation properties are also considered by the indicator model when producing the output image ([0103]).

Although Mochizuki and Rabb teach the limitations as stated, they do not explicitly teach the image representative code sequence includes the specified at least one animation property. However, it should be noted that Mochizuki teaches to include a parameter value associated with the only animation property (image switching period) in the message code. Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to modify the message code sequence of Mochizuki and include information regarding the animation property along with it's value because animation property for such a message would be easily decoded at the receiving unit when using more than one animation property.

Although Mochizuki and Rabb teach the limitations as stated, they do not explicitly teach the text message (SMS) has a character limit (160 characters) and the communication device is a wireless communication device (mobile station 100 (mobile phone)). However, Cubbage teaches exactly the same (fig. 1, col. 2 lines 13-17, col. 3

Art Unit: 2628

lines 1-4 and lines 10-11, col. 5 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a wireless communication device to send text messages with a 160 characters limit as taught by Cubbage and apply it into the method of Mochizuki and Rabb because the ability to send text messages is a powerful means of communication (col. 2 lines 27-28).

26. Regarding claim 140, Mochizuki teaches specifying an animation property for each of the least one part image in said set of part images comprises specifying at least one of a time to be displayed for each part image in said set of part images (image switching period is the animation property that switches between two images after a period of time; the image switching period is to be selected value selected from three values (0 to 2), which displays a time for each part image to be displayed before switching with the other part image, fig. 8, col. 7 lines 51-67).

27. Regarding claim 141, although Mochizuki and Rabb teach the limitations as stated, they do not explicitly teach the text message is a short message service message (SMS). However, Cubbage teaches exactly the same (col. 5 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to send text message using the SMS as taught by Cubbage and apply it into the method of Mochizuki and Rabb because the SMS is a very quick and powerful means of communication using a cellular phone.

28. Regarding claim 142, Mochizuki teaches using compacting codes in the image representative code sequence (figs. 9A-D, fig. 10).

Art Unit: 2628

29. Regarding claim 143, Mochizuki teaches the text message further includes text elements (fixed sentence info and free message code) usable by the receiving device to display text (fig. 8, figs. 9A-D, fig. 10, col. 5 lines 48-62).

30. Regarding claim 144, Mochizuki teaches character length of the text elements (fixed sentence info and free message code) and the character length of the image sequence (Graphic Image Info) together forms the text message. It should be further noted that Cubbage teaches the text message (SMS) has a character limit (160 characters) (refer to the rejection of claim 139 above). Therefore, it is implicit that the character length of the image sequence plus the character length of the text elements is less or equal to character limit of the text message, and thus the character length of the text elements is character limit of the text message less the character length of the image representative code sequence.

31. Regarding claims 145 and 146, Mochizuki and Rabb do not teach the limitations as claimed, however Cubbage teaches to use a mobile phone (cellular phone system, fig. 1). Moreover, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a mobile phone or a personal digital assistant as the choice of wireless communication device because these devices are readily available means for wireless communication and are very convenient to use.

32. Regarding claim 147, Mochizuki teaches the receiving device is selected from the group consisting of: a computer (control processor, fig. 1), a personal digital assistant and a mobile telephone. Moreover, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a mobile phone or a

Art Unit: 2628

personal digital assistant as the choice of receiver because these devices are readily available means for wireless communication and are very convenient to use.

33. Regarding claim 157, Mochizuki teaches a method for receiving and assembling an animated image (fig. 7, col. 1 lines 55-63), said method comprising

a communication device (selective call receiver comprising a control processor) receiving a text message that includes an image representative code sequence (fig. 8, figs. 9A-D, fig. 10, col. 5 line 48-col. 6 line 6, col. 7 lines 29-67, col. 8 lines 1-24);

the wireless communication device using the image representative code sequence to determine (checks for the presence or absence of the graphic image expansion code GIE) (col. 8 lines 1-24):

a set of part images (the teacup-shaped pattern and the heart-shaped pattern are selected) from among a plurality of part images (figs. 4A and 4B display a plurality of part images) (fig. 7, fig. 8, fig. 10, col. 7 lines 38-45, col. 8 lines 55-67);

a position (the displaying area location L1 is occupied by the teacup-shaped image 02 and the heart-shaped image 01) to be occupied in a display for each part image in said set of part images (fig. 4C, fig. 8, fig. 10, col. 7 lines 38-67, col. 8 lines 55-67);

at least one animation property (image switching period is the animation property that switches between two images after a period of time) from a number of available animation properties for at least one part image in said set of part images, each animation property being associated with a animation parameter value (the image

Art Unit: 2628

switching period is to be selected value selected from three values (0 to 2), fig. 8, col. 7 lines 51-67);

the animation parameter value (value "1" is selected as shown in fig. 10, col. 8 lines 55-67) for the at least one animation property;

the wireless communication device assembling and displaying the animated image (synthetic image consisting of two or more images) said animated image (col. 1 lines 55-63) according to the determined set of part images, the determined position, the determined at least one animation property, and the determined animation parameter value for the at least one animation property (figs. 8, fig. 10, col. 8 lines 1-24 and lines 55-67).

Although Mochizuki teaches the limitations as stated, Mochizuki does not explicitly teach to determine at least one animation property from a number of available animation properties for at least one part image in said set of part images. However, Rabb teaches exactly the same ([0103]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use other animation properties such as visibility, size and color as taught by Rabb along with the image switching period animation property of Mochizuki because such animation properties are also considered by the indicator model when producing the output image ([0103]).

Although Mochizuki and Rabb teach the limitations as stated, they do not explicitly teach the image representative code sequence determines the specified at least one animation property. However, it should be noted that Mochizuki teaches to include a parameter value associated with the only animation property (image switching

Art Unit: 2628

period) in the message code. Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to modify the message code sequence of Mochizuki to include information regarding the animation property along with it's value, which can then be used to determine the animation property because such a modification to the code would make determining the animation property very simple at the receiving unit when using more than one animation property.

Although Mochizuki and Rabb teach the limitations as stated, they do not explicitly teach the text message (SMS) has a character limit (160 characters) and the communication device is a wireless communication device (mobile station 100 (mobile phone)). However, Cubbage teaches exactly the same (fig. 1, col. 2 lines 13-17, col. 3 lines 1-4 and lines 10-11, col. 5 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a wireless communication device to send text messages with a 160 characters limit as taught by Cubbage and apply it into the method of Mochizuki and Rabb because the ability to send text messages is a powerful means of communication (col. 2 lines 27-28).

34. Claims 158-160, 163-165 and 195-196 are similar in scope to claims 140-147, and therefore the examiner gives the same reasons as above.

35. Claims 166-169 are 171-174 are similar in scope to claims 139-142, 144-147, and therefore the examiner gives the same reasons as above.

36. Claims 184-187 and 190-194 are similar in scope to claims 157-160, 163-165 and 145-146, and therefore the examiner gives the same reasons as above.

Art Unit: 2628

37. Regarding claims 209 and 210, the statements presented above with respect to claims 139 and 157 are incorporated herein.

38. Claims 197-200, 205-208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki, and further in view of Cubbage.

39. Regarding claims 197, 199, 205 and 207, Mochizuki teaches a device comprising:

an input interface (fig. 1) configured to receive selection information indicative of an animated image (fig. 7, col. 6 lines 57-col. 7 line 13);

a processor (control processor) coupled to the input interface (keypad) (fig. 1), wherein:

the processor is configured to create a text message (edited message S217, fig. 7) that includes an image representative code sequence that is indicative of the selection information (fig. 7, fig. 8, fig. 10, col. 7 lines 38-67, col. 8 lines 55-67);

the text message is usable by another mobile telephone to display the animated image in accordance with the selection information (fig. 7, fig. 8, fig. 10, col. 7 lines 38-67, col. 8 lines 55-67; it should be noted that Mochizuki teaches the invention for both receiving and transmitting functions with a single device, however also states the message can be transmitted through a subscriber telephone line and therefore it is inherent that it is received by some device at the other end); and

a transmission interface (transmission data generator/transmitter, fig. 1) coupled to the processor, the transmission interface being configured to send the text message

Art Unit: 2628

to a receiving device (fig. 7, col. 1 line 55-col. 2 line 10, col. 3 lines 44-50, col. 5 line 48-col. 6 line 6, col. 7 lines 13-28; selective call receiver having a transmission function transmits the edited message).

Although Mochizuki teaches the limitations as stated, Mochizuki does not explicitly teach the text message (SMS) has a character limit (160 characters) and the transmission device and the other telephone device is a wireless communication device such as a mobile phone (mobile station 100 (mobile phone)). However, Cubbage teaches exactly the same (fig. 1, col. 2 lines 13-17, col. 3 lines 1-4 and lines 10-11, col. 5 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a wireless communication device to send text messages with a 160 characters limit as taught by Cubbage and apply it into the method of Mochizuki because the ability to send text messages is a powerful means of communication (col. 2 lines 27-28).

40. Regarding claims 198 and 206, Mochizuki teaches the selection information comprises one or more part images (the teacup-shaped pattern and the heart-shaped pattern are selected) of the animated image, and one or more animation properties (image switching period is the animation property that switches between two images after a period of time; the image switching period is to be selected value selected from three values (0 to 2)) of the animated image (fig. 7, fig. 8, fig. 10, col. 7 lines 38-67, col. 8 lines 55-67).

41. Claims 200 and 208 are similar in scope to claims 143 and 144, and therefore the examiner gives the same reasons as above.



Art Unit: 2628

42. Regarding claim 201, Mochizuki teaches a device comprising:

a wireless reception interface (radio receiver 101, fig. 1) configured to receive a text message that includes an image representative code sequence (fig. 8, figs. 9A-D, fig. 10, col. 5 line 48-col. 6 line 6, col. 7 lines 29-67, col. 8 lines 1-24), wherein:

the image representative code sequence is indicative of an animated image (checks for the presence or absence of the graphic image expansion code GIE) (col. 8 lines 1-24);

a processor (control processor, fig. 1) coupled to the wireless reception interface, the processor being configured to determine the image representative code sequence from the text message (checks for the presence or absence of the graphic image expansion code GIE) (col. 8 lines 1-24); and

a display interface (display) coupled to the processor, the display interface being configured to display the animated image (synthetic image consisting of two or more images) in accordance with the image representative code sequence (fig. 7, col. 1 line 55-col. 2 line 10, col. 3 lines 44-50, col. 5 line 48-col. 6 line 6, col. 7 lines 13-28);

Although Mochizuki teaches the limitations as stated, Mochizuki does not explicitly teach the text message (SMS) has a character limit (160 characters) and the reception device and the other telephone device is a wireless communication device such as a mobile phone (mobile station 100 (mobile phone)). However, Cubbage teaches exactly the same (fig. 1, col. 2 lines 13-17, col. 3 lines 1-4 and lines 10-11, col. 5 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use a wireless communication device to send text

Art Unit: 2628

messages with a 160 characters limit as taught by Cubbage and apply it into the method of Mochizuki because the ability to send text messages is a powerful means of communication (col. 2 lines 27-28).

43. Claims 202-204 are similar in scope to claims 198-200, and therefore the examiner gives the same reasons as above.

44. Claims 161-162, 170, 188-189 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki, in view of Rabb, in view of Cubbage, and further in view of Haataja (US 6137836).

45. Regarding claims 161 and 162, although the combination of Mochizuki, Rabb and Cubbage disclose the claimed limitations as stated, they do not explicitly teach the step of obtaining said set of part images from a server in a network, wherein the network comprises a mobile telephone network. However, Haataja teaches a remote station (network) with a computer (server) that transmits composite image of a plurality of primitive pictures (set of part images) to a portable communicator (cellular telephone) (fig. 3, figs. 8-10, col. 6 lines 30-67, col. 7 lines 20-26, col. 8 lines 6-42; the remote station transmitting telephony signals for a cellular telephone corresponds to a mobile telephone network). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to obtain primitive images from a server in a network as demonstrated by Haataja and use it into the method and apparatus of Mochizuki, Rabb and Cubbage because obtaining the pictorial data of an image as a set of simplified composite part images of different primitive pictures reduces the required

Art Unit: 2628

transmission bandwidths and is transmitted rapidly due to relatively few symbols required for transmission of the pictorial data (col. 2 lines 1-14).

46. Claim 170 is similar in scope to claim 161, and therefore the examiner gives the same reasons as above.

47. Claims 188-189 are similar in scope to claims 161-162, and therefore the examiner gives the same reasons as above.

### ***Conclusion***

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Deluca et al. (US 5784001)

49. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2628

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JWALANT AMIN whose telephone number is (571)272-2455. The examiner can normally be reached on 10:30 a.m. - 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kee M Tung/  
Supervisory Patent Examiner, Art Unit 2628

/J. A./  
Examiner, Art Unit 2628

Application/Control Number: 10/500,260  
Art Unit: 2628

Page 20